

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
IAN M. PENN, ET AL.) : Examiner: BUI, Vy
Appln. No.: 10/073,277) : Group Art Unit: 3731
Filed: February 13, 2002) : Confirmation No.: 8817
For: EXPANDABLE STENT AND)
METHOD FOR DELIVERY)
OF SAME)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER

Sir:

Your petitioner, Evysio Medical Devices ULC, a Canadian corporation having a principal place of business at 865 West 10th Avenue, C/O Laurel Cardiology, Vancouver, British Columbia, Canada, V5Z 1L7, and duly represented by the undersigned, represents that it is the assignee of the full title and interest in and to: (i) the above-identified Application No. 10/073,277, filed February 13, 2002; (ii) U.S. Patent No. 6,217,608; and (iii) U.S. Patent No. 6,375,677, as

evidenced by the deeds of Assignment recorded at Reel No. 011430/Frame No. 0841, Reel No. 011453/Frame No. 0584, Reel No. 011453/Frame No. 0590, Reel No. 011455/Frame No. 0120, Reel No. 011455/Frame No. 0145, and Reel No. 012398/Frame 0285.

Your petitioner hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of any of U.S. Patent Nos. 6,217,608 and 6,375,677, as presently shortened by any terminal disclaimers, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent Nos. 6,217,608 and 6,375,677, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Your petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of U.S. Patent Nos. 6,217,608 and 6,375,677, as presently shortened by any terminal disclaimer, in the event that subsequent hereto any of U.S. Patent Nos. 6,217,608 and 6,375,677 expires for failure to pay a maintenance fee, is held unenforceable, is

found invalid, is the subject of any disclaimer under 37 C.F.R. 1.321(a), has all claims canceled by a reexamination certificate or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The evidentiary documents referred to in the instant Terminal Disclaimer have been reviewed by the undersigned, and it is certified that to the best of assignee's knowledge and belief, title is in the assignee.

The undersigned is empowered to act on behalf of the assignee.

Attached herewith is a check in the amount of \$110.00 for the Terminal Disclaimer fee. The Commissioner is hereby authorized to charge Deposit Account No. 50-1710 for any deficiency in this fee. A copy of this paper is attached herewith for that purpose.

By: 
Richard P. Bauer
Reg. No. 31,588
Attorney For Applicants

Date: Jan 21, 2004